IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27590 of 2007(H)

PETITIONER:

K. VIJAYAN, AGED 38 YEARS,
S/O. KARUNAKARAN, NOW WORKING AS ASSISTANT PUBLIC PROSECUTOR-II, JUDICIAL FIRST MAGISTRATE COURT-II, PEERUMEDU, IDUKKI.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS:

THE DISTRICT COLLECTOR, IDUKKI.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 27590 OF 2007

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Dated this the 18th day of September, 2007.

JUDGMENT

The limited relief sought for by the learned counsel for the petitioner when the writ petition came up for admission is to direct the respondent to consider the request made by him in Ext.P3.

2. I have heard the learned Government Pleader appearing on behalf of the respondent. The petitioner was appointed as Assistant Public Prosecutor in the Judicial First Class Magistrate Court-II, Peerumedu for a period of six months till regular hands reports for duty. Apparently, the petitioner was first appointed on provisional basis as per Ext.P1 dated 23.06.2006. On expiry of the said period, the petitioner made a request for permission to continue till regular hands joins duty. This Court by Ext.P2 judgment, directed the respondent to permit the petitioner to so continue till regular hands reports for duty. Accordingly, the petitioner continued till 17.04.2007. At that point of time, regular hand joined duty. Therefore the petitioner's services

were dispensed with. The said regular hand sought for transfer and therefore vacancy arose. It is in these circumstances, the petitioner made a request under Ext.P3 to the District Collector.

3. I am not expressing any opinion on the merits of the claim made by the petitioner. But, the respondent shall bear in mind the necessity to make available the services of Assistant Public Prosecutor in the Judicial First Class Magistrate Court. Taking note of the said aspect, he shall take a decision on the petitioner's request, Ext.P3, within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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